IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE MR JUSTICE GOPALA KRISHNA TAMADA

WRIT PETITION NO : 35101 of 1997

Dated: 13.03.2007

Between:
Madadi Kesava Reddy, S/o M.Ram Reddy,
49 years, r/o H.No.10-50, Sowbhagyanagar
colony, Hyderabad.

..... PETITIONER

AND

1.District Revenue Officer and Additional
District Magistrate, Ranga Reddy District.
2.The Mandal Revenue Officer, Qutbullapur,
Rangareddy District. .. RESPONDENTS

THE HON'BLE MR JUSTICE GOPALA KRISHNA TAMADA

WRIT PETITION NO.35101 of 1997

ORDER:

This writ petition is filed seeking quashing of the proceedings of the 1st respondent dated 17.08.1996 in No.D5/3467/72.

It is the case of the petitioner that he is the owner of the plot bearing No.35 of an extent of 300 square yards situated in Sy.No.49/7 at Gajularamavaram village, Qutbullapur Mandal, Rangareddy District, having purchased the same from one Ganti Subbarayudu under a registered sale deed dated 05.05.1980. It is stated that an extent of Ac.5.00 in Sy.No.49 was allotted in favour of one Sharada Bai by the Tahsildar, Medchal in proceedings dated 21.03.1961, the allotment of which was made in terms of Rule 9 (g) of Laoni Rules and therefore, this land is neither assigned land nor was it granted subject to any restrictions in relation to alienations or otherwise. It is further submitted that this land was subsequently sub-divided and numbered as Sy.No.49/7 and the extent of land was shown to be Ac.4-33 guntas only. In the year 1967 the original allottee applied for permission for sale of the land in favour of one Bhagavanth Rao Mashalkar and

the Tahsildar in proceedings dated 13.10.1967 accorded permission. The petitioner is one of the purchasers of the land in Sy.No.49. However, the 2nd respondent-Mandal Revenue Officer was trying to interfere with the possession of the petitioner. While the matter stood thus, the 1st respondent invoked the revisional powers under Section 166-B of the Andhra Pradesh (Telangana Area) Land Revenue Act in order to resume back the lands on the ground that the land which was originally allotted in favour of 13 persons is an assigned land and the alienations made in favour of third parties are void as per the provisions of Act 9 of 1977. It is further stated that the land was allotted in favour of Sharada Bai way back in the year 1961 and for the first time the 1st respondent has exercised suo-motto revisional powers under Section 166-B of the Act. Hence the writ petition.

Respondents, though served, did not choose to file any counter-affidavit.

Heard.

It is the case of the petitioner that the said Sharada Bai was assigned patta of the land in the year 1961 and thereafter before alienating the land she obtained permission from the Tahsildar on 13.10.1967. The said fact was not controverted by the respondents. Hence, this Court is of the view that the alienation made by the original assignee-Sharada Bai and also the subsequent alienations cannot be said to be void as per the provisions of Section 3 of the A.P. Assigned Lands (Prohibition of Transfers) Act 9 of 1977.

The writ petition is accordingly allowed and the proceedings of the 1st respondent dated 17.08.1996 are hereby quashed. No costs.

_____

(GOPALA KRISHNA TAMADA, J)

13-03-2007
Gsn.